IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5705 of 2006

Dated: March 23, 2006

Between:

Pingali Rama Mohan, S/o. P.V.M. Rao,

aged about 53 years,

Ex-Development Officer,

Code No.82664, LIC of India,

Choutuppal Branch, Nalgonda District,

R/o.103, Indira Apartments,

New Mettuguda, Secunderabad – 17.

… Petitioner

And

The Chairman, Life Insurance Corporation

of India, Yogakshema, Jeevan Sima Marg,

PB.No.19953, Mumbai – 400 021, and three

others.

… Respondents

Order:

The petitioner, a Development Officer in the Life Insurance Corporation of India, who was removed from service in disciplinary proceedings, filed this Writ Petition seeking Writ of Mandamus to declare the action of the first respondent in not considering his representation 08-05-1997 and confirming the order of removal dated 22-07-1996 as illegal and arbitrary and in violation of Articles 14 and 21 of the Constitution of India.

2. The facts of the case, in brief, are that the petitioner was removed from service by the respondent-Corporation on the ground that a criminal case was registered against him and he was sentenced to undergo rigorous imprisonment for six months. As against the order of removal dated 22-07-1996, the petitioner preferred an appeal as per the applicable rules and the same was dismissed by the appellate authority by order dated 09-12-1996. As against the said rejection, he preferred a Memorial to the first respondent as per Regulation 49 of the Life Insurance Corporation of India (Staff) Regulations, 1960 ('the Regulations' for brevity), which was also rejected by the Chairman, by his order dated 01-01-1998. Thereupon, the petitioner challenged the order of removal dated 22-07-1996 and also the subsequent orders by before this Court, by way of W.P.No.7889 of 1998, which was dismissed by this Court by order dated 13-03-2006. Now, the present Writ Petition has been filed on the ground that the representation dated 10-12-2005 is not being considered by the first respondent.

3. A copy of the letter dated 07-01-2006, addressed by the Chief (Personnel) of the L.I.C. of India, to the petitioner, has been filed along with the material papers, wherein it is stated that no further correspondence from the petitioner will be entertained since he was informed that there is no further provision for review of the memorial order passed by the Chairman.

4. Once this Court dismissed the Writ Petition filed by the petitioner, confirming the

order of removal, it is not open for the petitioner to again question the said order of removal on the very same grounds. The allegation of the petitioner that his representation dated 10-12-2005 has not been considered will not give fresh cause of action to question the said order of removal. It is also to be noticed here that after the Chairman of the Corporation passed an order of memorial on 01-01-1998, there has been no correspondence all these years, and nearly after six years, the petitioner has filed a representation for reviewing the earlier orders passed by the revisional authority. There is also abnormal delay and laches on the part of the petitioner in filing the very application itself to review the earlier order passed by the revisional authority. In view of the earlier orders of this Court, which have become final, in which the order of removal of the petitioner from service, was confirmed, the petitioner cannot question the same set of orders again in this Writ Petition.

5. The Writ Petition is bereft of merits and is accordingly dismissed. No costs. However, learned counsel for the petitioner submits that certain amount is due and payable by the respondents to the petitioner on account of service rendered by him. If that is the case, it is made clear that this order will not come in the way of the respondents to pay the same, if the petitioner is entitled to any.

_____

JUSTICE R. SUBHASH REDDY.

March 23, 2006

MRR